ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100, Rochester, MN 55904-4744



www.co.olmsted.mn.us/planning

Phone 507 328-7100 • Fax 507 328-7958



R3/R4 PARKING LDM TEXT AMENDMENT

To:

Rochester Planning and Zoning Commission

From:

Ryan Yetzer, Planner

Date:

November 8, 2017

BACKGROUND

On September 19^{th} , 2016 Council approved a moratorium/interim ordinance regulating the issuance of any Land Use Certificate, Approval, or Permit for the installation of a Parking Facility and/or expansion of parking within any R-3 or R-4 zoning district. The interim ordinance essentially prohibited a new Parking Facility (standalone use) or expansion thereof.

On September 18th, 2017 Council initiated the staff recommended land development manual text amendments around this issue. During the September 18th Committee of The Whole meeting, staff presented findings from their R3/R4 parking study. The report findings are included below, as well as with the recommend text amendments.

CURRENT POLICIES & STUDY

Current Policies:

The existing Ordinance, prior to the moratorium on the conversion of properties in the R-3 and R-4 Residential Districts to parking, the following types of *R-3 and R-4* parking were allowed:

- 1. Accessory parking in residential zones (parking that serves a primary use on same or adjacent property);
- 2. Parking Facilities (62.265):
 - A Type I use (staff level review) if site has a landscape area ratio equal to ½ the amount
 of landscape area required for nonresidential uses in the applicable zoning district.
 Otherwise considered Type III use

A Parking Facility in the *CDC-Residential District* may be allowed as a primary use of the property, subject to Type I or III use permit.

A Type I use (staff level review) if site has a landscape area ratio equal to ½ the amount
of landscape area required for nonresidential uses in the applicable zoning district.
Otherwise considered Type III use.

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Commercial Parking Extension (63.441): Required off-street parking for uses in the Central Development Core or any nonresidential district may extend into adjacent land zoned R-3 or R-4 as a Type I use review.

Currently, a Parking Facility is a permitted use in only the R3, R4, and CDC-Residential districts.

Update & Local Study:

Since the parking moratorium in R-3/R-4 districts was implemented, there have been no applications submitted to create parking in said zones.

Planning staff has reviewed all demolition permits for residentially zoned property from 2012 to present. The attached map (attachment #1) documents the location of the R3/R4 zoning districts, and the residential demolition permits in the general downtown area. This map shows that over the past five plus years, there has been just one case of residential demolition resulting in developed parking in an R-3/R-4 zone, which was the Gift of Life Transplant accessory parking facility.

STAFF RECOMMENDATIONS

The following modifications have been proposed to the Land Development Manual:

- Remove Parking Facility as a permitted use from table 62.241(R3) and 62.251(R4), thus no
 longer allowing non-accessory community parking lots in R3/R4 residential districts, as this use is
 largely unutilized.
- Modify 63.441 (Commercial Parking Extension) from a permitted use in R3 and R4 areas to a
 Type III Conditional Use Review, to provide a higher level of review when adding off street
 parking.
- Modify CDC-Residential District Parking Facility use (62.441) from a Type I or Type III Conditional
 Use Review, to a Type III Conditional Use Review, to provide a high level of review when adding
 off street parking.

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• Remove Parking Facility as a permitted use from table 62.241(R3) and 62.251(R4), thus no longer allowing non-accessory community parking lots in R3/R4 residential districts.

62.241 R-3 GENERAL ZONING DISTRICT STANDARDS

The following table identifies the general zoning district standards applying to uses in the R-3 Zoning District.

COMMENTARY:

The Row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found. The Row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

ABBREVIATIONS/SYMBOLS in the table:

% stands for "percentage"

IBERS IN BRACKETS [] REFER TO FOOTNOTES AT THE BOTTOM OF THE TABLE
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CATEGORY OF	List of Permitted Uses	Use Type	Applicable Detailed	Additional Regulations	DENSITY	/ FACTOR	FLOOR A	REA RATIO	Minimum Lot Size (L)	Minimum % of	Minimum % of	Permitted Maximum	REQUIRED OFF-STREET
STANDARDS			Regulations		TYPE I – TYPE II – TYPE III DENSITIES		TYPE I TYPE III		or Site Area (S)	Landscape Area	Recreation Space	Height (in feet)	PARKING
PRIMARY REFERENCE	PARAGRAPH 62.111	PARAGRAPH 62.112	PARAGRAPH 62.113		PARAGRAPH 62.114		PARAGRAPH 62.115		PARAGRAPH 62.116	DEFINITION OF LANDSCAPE AREA	PARAGRAPH 62.118	DEFINITION OF HEIGHT	SEE DEFINITION OF PARKING AND PARAGRAPH 62.1:
NOTES	Description of each Use category found in Section 62.140		Regulations found in Sec. 62.260	Primarily found in Par. 65.263	APPROVED TH	VELOPMENT ROUGH REQ OF DN 62.600	For Permitted Uses	For Incentive Development	Definition of Lot & Site in Chapter 60	General Regulations Sec. 63.130	General Regulations Sec. 63.140	Exceptions to Standard Par. 60.424	Regulations for Off-stree parking in Section 63.40
	Single Family Attached Corner Lot	I		62.266(1)					3000(L) 3500(L)	40%		35	2 PER NEW DWELLIN UNIT
-	Single Family Detached	I		62.266(1),(4)					5500(L)	45%		35	2 PER NEW DWELLING
	Duplex	I		62.266(1)					6000(L)	40%		35	2 PER NEW DWELLIN
Ī	Performance Residential	VAR	62.261	62.266(1),(3)	16.00 – 21	.78 – 29.04	.63[1]		6000(S)	40%	16%	35	2 PER NEW DWELLING UNIT
	Multi-Family Residential 3 & 4 Plex	l I		62.266(1),(3) 62.126					8000(L)	42%		35	1 PER
	2 Story Building	I			24.23		.61[1]		7200(S)	40%	12%		UNIT/EFFICIENCIES
	3 Story Building	I]	32.67		.70[1]		8000(S)	38%	10%		ONE BEDROOM UNI 1 ½ PER 2 BEDROO
	Maximum With Bonus	III				43.56		.92		30%	9%	NONE	UNIT 2 PER 3 BEDROOM U 3 PER 4 BEDROOM U
	Group Residential Care	VAR	62.263(A)	62.266(1)						40%			1 SPACE/EMP LARGE SHIFT
	Semi-Transient Accom.	II	62.263(C)	62.266(1)						40%			1 PER SLEEPING UN
	Manufactured Home Park	III	62.262(3)	62.266(1)	7				62.262(3) (b)(1) & (c)(2)	50%	62.262 (3)(15)(g)	35	2 PER DWELLING UN
	Congregate Housing	1						TI-FAMILY RESIDEN	ITIAL				1 PER DWELLING U
_	Offices	VAR	62.264(3)				.125	.20		45%		24	1 PER 200 SQ FT FLC AREA
_	Personal Service	VAR	62.264(3)				.125	.20		45%		24	1 PER 200 SQ FT FLO AREA
_	Convenience Retail	III	62.264(4)				.10	.15		45%		24	1 PER 100 SQFT FLC AREA
	Medical Facilities	II or III	62.263 (B)										5 PER PRINCIPAL MEDICAL PROFESSIONAL
	Nursing and Personal Care	II or III	62.263(B)										1 SPACE/EMP LARGE SHIFT PLUS ONE PE SIX BEDS
	Funeral Homes	I					.125	.20		45%		24	1 PER 4 PERSONS BASED ON MAXIMU CAPACITY OF BLD
	Parking Facilities	l or III	62.265										
	Substantial Land Alteration	III, Phase II										30	1 PER EMPLOYEE (LARGEST SHIFT
	Sand or Gravel Excavation	III, Phase II										30	1 PER EMPLOYEE (LARGEST SHIFT
	Agricultural Operations	I	62.264(1)(2)						1				
	Area Accessory Development	l or III	62.930				.35	.75	62.932	35%		35	SEE PARAGRAPH 62
	Offender Transitional Housing	III/ Phase I	62.940-62.945				-	+	+				
	Medical Stay Dwelling Unit	62.141 (11)	62.263 (6)					1		l			L

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62.251 R-4 GENERAL ZONING DISTRICT STANDARDS

The following table identifies the general zoning district standards applying to uses in the R-4 Zoning District.

COMMENTARY:
The Row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found. The Row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

ABBREVIATIONS/SYMBOLS in the table:

CATEGORY OF STANDARDS	List of Permitted Uses	Use Type	Applicable Detailed Regulations	Additional Regulations	DENSITY FACTOR		FLOOR AF	REA RATIO	Minimum Lot Size (L)	Minimum % of Landscape	Minimum % of Recreation	Permitted Maximum	REQUIRED OFF-STREET PARKING
STANDARDS			Regulations		TYPE I – TYPE II – TY	PE III DENSITIES	TYPE I	TYPE III	or Site Area (S)	Area	Space	Height (in feet)	PARKING
PRIMARY REFERENCE	PARAGRAPH 62.111	PARAGRAPH 62.112	PARAGRAPH 62.113		PARAGRAPH 62.114		PARAGRAPH 62.115		PARAGRAPH 62.116	DEFINITION OF LANDSCAPE AREA	PARAGRAPH 62.118	DEFINITION OF HEIGHT	SEE DEFINITION OF PARKING AND PARAGRAPH 62.12
NOTES	Description of each Use category found in Section 62.140		Regulations found in Sec. 62.260	Primarily found in Par. 65.263	TYPE III DEVELOPMENT APPROVED THROUGH REQ OF SECTION 62.600		For Permitted Uses	For Incentive Development	Definition of Lot & Site in Chapter 60	General Regulations Sec. 63.130	General Regulations Sec. 63.140	Exceptions to Standard Par. 60.424	Regulations for Off-stree parking in Section 63.400
	Single Family Detached	I		62.266(4)					5500(L)	45%		35	2 PER NEW DWELLING U
	Multi-Family Residential		62.263(4)	62.266(1),(3)									
	2 Residential Floors	I		62.126	24.23[1]		0.61[1]		7200(S)	40%	12%		1 PER UNIT/EFFICIENCIE
	3 Residential Floors	I]		32.67[1]		0.70[1]		8000(S)	38%	10%		ONE BEDROOM UNIT 1 ½ PER 2 BEDROOM U
	4-6 Res Floors	I			58.08[1]		1.28[1]		12000(S)	35%	8%		2 PER 3 BEDROOM UN
	7-9 Res Floors	I	1		76.25[1]		1.69[1]		16000(S)	38%	7%		3 PER 4+ BEDROOM U
	10-12 Res Floors	I			87.12[1]		2.00[1]		20000(S)	42%	6%		
	13+ Res Floors	iii				NO MAX		2.42	NO MIN	20%	5%		
	Duplex	ļ		62.266(5)					6000(L)	40%		35	2 PER NEW DWELLING U
	Manufactured Home Park	III	62.262(3)	62.266(1)	7				62.262(3)(b)(1)&(c) (2)	50%	62.262(3)(b)(15)(g)	35	2 PER MANUFACTURE HOME
	Group Residential Care	VAR	62.263(1)	62.266(1)					(2)				1 SPACE/EMP LARGE: SHIFT
	Semi-Transient Accom.	i	62.263(3)	62.266(1)									1 PER SLEEPING UNI
	Congregate Housing	1			SEE RE	QUIREMENT FOR P	FRMITTED MUI TI-FAI	MILY RESIDENTIAL DE	EVELOPMENT IN R-4 DIS	STRICT			1 PER UNIT
	Offices	l or III	62.264(3)				.25	.35		26%		30	1 PER 200 SQ FT FLOO AREA
	Personal Service	l or III	62.264(3)				.25	.35		26%		30	1 PER 200 SQ FT FLOO AREA
	Medical Facilities	II or III	62.263 (2)										5 PER PRINCIPAL MEDI PROFESSIONAL
	Nursing and Personal Care	II or III	62.263(2)										1 SPACE/EMP LARGES SHIFT PLUS ONE PER S BEDS
	Fast Food Restaurant	III						.25		26%		30	1 PER 3 SEATS PLUS 1
	Standard Restaurant	Ш						.25		26%		30	2 EMPLOYEES ON LARGEST SHIFT
	Convenience Retail	l or III	62.264(4)				.25	.35		26%		30	1 PER 100 SQFT FLOO AREA
	Funeral Homes	I or III					.25	.35		26%		30	1 PER 4 PERSONS, BAS ON MAXIMUM CAPACITY BLDG
	Indoor Recreation Facility	l or III					.25	.35		26%		30	1 PER 300 SQ FT FLOO AREA
	Restricted Commercial	l or III	62.700	62.725			PAR 62.722			PAR 62.722		PAR 62.722	1 PER 150 SQ FT FLOO AREA
	Substantial Land Alteration	III, Phase II										30	1 PER EMPLOYEE OF LARGEST SHIFT
	Sand or Gravel Excavation	III, Phase II										30	1 PER EMPLOYEE OF LARGEST SHIFT
	Parking Facilities	I or III	62.265										
	Area Accessory Development	I or III	62.930				.40	1.0	62.932	30%		50	SEE PARAGRAPH 62.9
	Offender Transitional Housing	III, Phase I	62.940-62.945	1	1			1	1	· · · · · · · · · · · · · · · · · · ·			

• Modify 63.441 (Commercial Parking Extension) from a permitted use in R3 and R4 areas to a Type III Conditional Use Review.

63.440 SPECIAL LOCATIONAL PROVISIONS

The following paragraphs identify special off-street parking provisions applicable to certain developments.

- 63.441 **Commercial Parking Extension**: Required off-street parking for uses in the Central Development Core or any nonresidential district may extend into adjacent land zoned R2, R-3, R-4 as a type III Conditional Use Review or as a Type II Conditional Use in the R-2 District subject to the following regulations:
 - A. A driveway providing access to the parking area from a street in the residential district shall only be permitted as a second access. The primary access must lead directly to a nonresidential street or alley serving the land in the nonresidential district. Where direct access is restricted, access shall be provided from the frontage of the commercial lot and only one access, designed for one-way traffic, shall be permitted to exit onto the residential street.
 - B. All commercial activity shall be oriented toward the frontage on the street in the nonresidential district.
 - C. A buffer equal in intensity to Bufferyard F listed in Section 63.265 shall be provided along each property line which abuts a residentially zoned property.
 - D. Parking shall be set back from the lot lines a distance equal to the setbacks required for commercial uses allowed in that zoning district unless a greater setback is required by other provisions in this Code. If the parking is located along a side street yard which is adjacent to a front yard of an adjacent residential uses, the parking shall not be closer than 20 feet to an established street right-of-way line. Unless a greater Bufferyard is required by other provisions of this Code, a "D" Bufferyard must be established along the parking lot.
 - E. Commercial parking extension parking areas must meet the design standards specified in Section 63.455 (1), (H), (5) (7).
 - F. Two-way drive aisles must be a minimum width of 18 feet.

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• Modify CDC-Residential District Parking Facility use (62.441) from a Type I or Type III Conditional Use Review, to a Type III Conditional Use Review.

62.440 CENTRAL DEVELOPMENT CORE - RESIDENTIAL AREA

This article lists the standards applicable to uses allowed in the Residential Area of the Central Development Core.

62.441 GENERAL ZONING DISTRICT STANDARDS - RESIDENTIAL AREA/CENTRAL DEVELOPMENT CORE

The following table identifies the general zoning district standards applying to uses in the Residential Area of the Central Development Core.

COMMENTADY	/.

The Row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found. The Row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

ABBREVIATIONS/SYMBOLS in the table: % stands for "percentage"

NUMBERS IN BRACKETS [] REFER TO FOOTNOTES AT THE BOTTOM OF THE TABLE

CATEGORY OF	List of Permitted	Use Type	Applicable Detailed	Additional Regulations	DENSITY	FACTOR	FLOOR AI	REA RATIO	Minimum Lot Size (L)	Minimum % of	Minimum % of Recreation Space	Permitted Maximum Height (in feet)	REQUIRED OFF-STREET
STANDARDS	Uses	,,	Regulations	Ū		E II – TYPE III SITIES	TYPE I	TYPE III	or Site Area (S)	Landscape Area			PARKING
PRIMARY REFERENCE	PARAGRAPH 62.111	PARAGRAPH 62.112	PARAGRAPH 62.113		PARAGRAPH 62.114			GRAPH 115	PARAGRAPH 62.116	DEFINITION OF LANDSCAPE AREA	PARAGRAPH 62.118	DEFINITION OF HEIGHT	SEE DEFINITION OF PARKING AND PARAGRAPH 62.121
NOTES	Description of each Use category found in Section 62.140		Regulations found in Sec. 62.260	Primarily found in Par. 65.263	TYPE III DEVELOPMENT APPROVED THROUGH REQ OF SECTION 62.600		For Permitted Uses	For Incentive Development	Definition of Lot & Site in Chapter 60	General Regulations Sec. 63.130	General Regulations Sec. 63.140	Exceptions to Standard Par. 60.424	Regulations for Off- street parking in Section 63.400
	Multi-Family Residential		62.263(D)										
	2 Residential Floors	I	` ′		24.23[1]		0.61[1]		7200(S)	40%	12%		FOR ALL NEW DWELLINGS: 1 PER UNIT/EFFICIENCIES &
	3 Residential Floors	I	1	62.263(A),(C),	32.67[1]		0.70[1]		8000(S)	38%	10%		ONE BEDROOM UNITS 1 ½ PER 2 BEDROOM UNIT
	4-6 Res Floors	I	1	64.132, 62.126	58.08[1]		1.28[1]		12000(S)	35%	8%		2 PER 3 BEDROOM UNIT 3 PER 4+ BEDROOM UNIT
	7-9 Res Floors	I		02.120	76.25[1]		1.69[1]		16000(S)	38%	7%		
	10-12 Res Floors	I			87.12[1]		2.00[1]		20000(S)	42%	6%		
	13+ Res Floors	III				NO MAX		2.42	NO MIN	20%	5%		
	Group Residential Care	VAR	62.263(A)	62.263(A), 64.132, 62.126		SAME AS FOR MULTIFAMILY RESIDENTIAL DEVELOPMENT							1 SPACE/EMP LARGEST SHIFT
	Semi-Transient Accom.	I	62.263(C)	62.263(A), 64.132, 62.126		SAME AS FOR MULTIFAMILY RESIDENTIAL DEVELOPMENT							1 PER SLEEPING UNIT
	Congregate Housing	I		•	SEE REQUIREM	E REQUIREMENT FOR PERMITTED MULTI-FAMILY RESIDENTIA				TIAL DEVELOPMENT IN R-4 DISTRICT			
	Offices	l or III					.25	.35		26%		30	1 PER 200 SQ FT FLOOR AREA
	Transient Accommodations	l or III					1.0	2.0		26%		30	1 PER UNIT
	Personal Service	l or III					.25	.35		26%		30	1 PER 200 SQ FT FLOOR AREA
	Educational Service	l or III					.25	.35		26%		30	1 PER 200 SQ FT FLOOR AREA
	Medical Facilities	II or III	62.263(B)										5 PER PRINCIPAL MEDICAL PROFESSIONAL
	Nursing and Personal Care	II or III	62.263(B)										1 SPACE/EMP LARGEST SHIFT PLUS ONE SPACE PER SIX BEDS
	Offender Transitional Housing - must meet standards of group residential care, if single family detached structure, or multi-family housing, depending on structure	III, Phase I	62.381(1), 62.940-62.945	62.263(C)									

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62.441 GENERAL ZONING DISTRICT STANDARDS - RESIDENTIAL AREA/CENTRAL DEVELOPMENT CORE

The following table identifies the general zoning district standards applying to uses in the Residential Area of the Central Development Core.

COMMENTARY:

The Row labeled PRIMARY REFERENCE at the top of the chart identifies for users of the ordinance the primary section of the ordinance where regulations for that category of standard will be found. The Row labeled NOTES identifies additional paragraphs in the ordinance that apply to the particular category of standard under which they are listed.

ABBREVIATIONS/SYMBOLS in the table:

% stands for "percentage"

NUMBERS IN BRACKETS [] REFER TO FOOTNOTES AT THE BOTTOM OF THE TABLE

CATEGORY OF	List of Permitted	Use Type	Applicable Detailed	Additional Regulations	DENSITY	FACTOR	FLOOR AF	REA RATIO	Minimum Lot Size (L)	Minimum % of	Minimum % of	Permitted Maximum Height (in feet)	REQUIRED OFF-STREET PARKING
STANDARDS	Uses	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	Regulations			PE II – TYPE III SITIES	TYPE I	TYPE III	or Site Area (S)	Landscape Area	Recreation Space		
PRIMARY REFERENCE	PARAGRAPH 62.111	PARAGRAPH 62.112	PARAGRAPH 62.113		PARAGRAPH 62.114			GRAPH 115	PARAGRAPH 62.116	DEFINITION OF LANDSCAPE AREA	PARAGRAPH 62.118	DEFINITION OF HEIGHT	SEE DEFINITION OF PARKING AND PARAGRAPH 62.121
NOTES	Description of each Use category found in Section 62.140		Regulations found in Sec. 62.260	Primarily found in Par. 65.263	APPROVED T	TYPE III DEVELOPMENT APPROVED THROUGH REQ OF SECTION 62.600		For Incentive Development	Definition of Lot & Site in Chapter 60	General Regulations Sec. 63.130	General Regulations Sec. 63.140	Exceptions to Standard Par. 60.444	Regulations for Off- street parking in Section 63.400
	Standard Restaurant	III						.25		26%		30	1 PER 3 SEATS PLUS 1 PER EMP ON LARGEST SHIFT
	Transportation Service	III						.25		26%		30	1 PER 150 SQFT F.A. DEVOTED TO CUSTOMER SERVICE PLUS 1 PER RENTAL/COMPANY VEHICLE
	Indoor Athletic Facility	l or III					.25	.35		26%		30	1 PER 300 SQ FT FLOOR AREA
	Parking Facilities	Lor III	62.265										
	Area Accessory Dvlpmnt	I	62.930	62.933			.40	1.0	62.932	30%		50	SEE PARAGRAPH 62.935
	Neighborhood Retail*	III						.35		26%		30	1 PER 150 SQ. FT. F.A.
	Neighborhood Food Sales & Service*	III						.35		26%		30	1 PER 3 SEATS

FOOTNOTES: [1] WHERE BOTH DENSITY FACTOR AND FLOOR AREA RATIO ARE FOUND IN THE SAME ROW ON THE TABLE, THE DEVELOPMENT MUST MEET BOTH STANDARDS *Maximum Floor Area is 2.00 s.f. for any single space or single use.

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REQUESTED ACTION

60.338 Policy for Rezoning:

Subd. 4. The criteria of this subdivision apply to an amendment to the text of the Zoning Ordinance. An amendment must satisfy all of the following criteria:

- A. whether there is a public need for the amendment;
 - a. FIND: This was a public initiated amendment
- B. whether the amendment will accomplish one or more of the purposes of this ordinance, the Comprehensive Plan or other adopted plans or policies of the City of Rochester; and
 - a. FIND: **60.111 Statement of Purpose "D"** States that in order to protect public health, safety, and welfare that the code should encourage patterns of land use that will reduce the need for personal vehicular travel.
- C. whether adoption of the amendment will be lawful.
 - a. FIND: Staff believes this amendment is lawful.

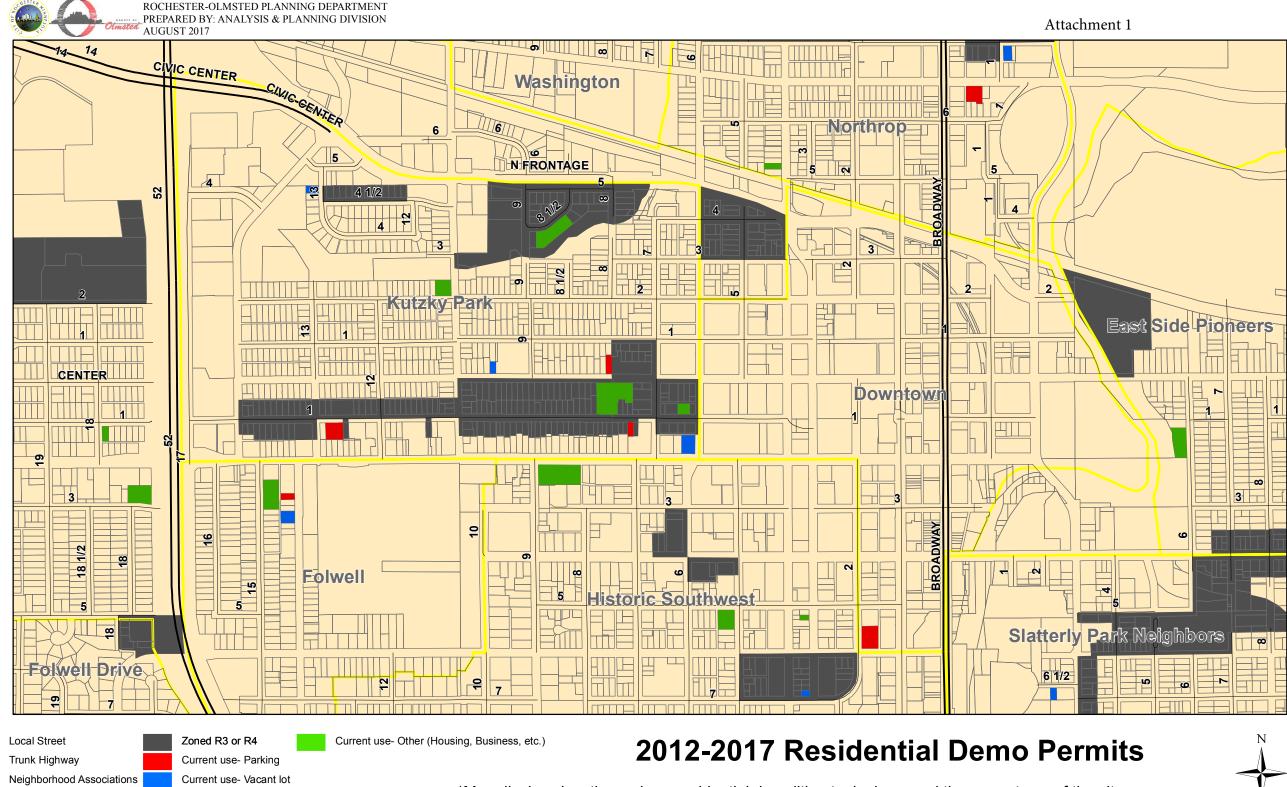
Due to the findings listed above, as well as the findings throughout this document, staff would ask the CP&ZC to recommend these text amendments to the City Council.

REFERRAL COMMENTS

No referral comments were provided (attachment 2)

ATTACHMENTS

- 1. 2012-2017 Residential Demo Permits map
- 2. Referral Agency Comments





Referral Agency Comments

Application No: R2017-009TA

10/20/2017 Park and Recreation

There are no comments from this agency at this time.

10/26/2017 Rochester Public Works

There are no comments from this agency at this time.

10/17/2017 RPU Operations Division

There are no comments from this agency at this time.

10/19/2017 RPU Water Division

There are no comments from this agency at this time.

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